No. 09-

IN THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

| UNITED STATES C | OF AMERICA, |) | | | |
|----------------------------|---|-------------|------------------------------------|--|--|
| | Plaintiff/Appellee, |))) | Case Nos. | 06 CR 50067 01 CR 50004-2 | |
| V. | |))) | District Court District of Illi | the United States for the Northern nois, Western | |
| JONATHAN GEAR | |) | Division. Hon. Philip G | Reinhard | |
| | Defendant/Appellant. |) | Judge Presidin | | |
| | CIRCUIT RULE 3(C) DOCKETING STATEMENT | | | | |
| Association, I | | | | | |
| Name: | Mark A. Byrd, Byrd & Taylor Attorneys at Law | | | | |
| Address: | 308 W. State St., Suite 450, Rockford, IL 61101 | | | | |
| Telephone: | (815)964-5492 | | | | |
| Trial Counsel If Different | 2 | | | | |
| Name: | Same as above | | | | |
| Address: | | | | | |
| Telephone: | | | | | |

| Counsel on A for Appellee | ppeal | | | |
|--|---|-------------|--|--|
| Name: | Assistant United States Attorney Mark T. Karr | ner | | |
| Address: | 308 W. State St. Ste. 300 Rockford, IL 61101 | | | |
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| Name: | Same as above | | | |
| | Same as above | | | |
| Address: | | | | |
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| C P | | | | |
| Court Reporte | <u>ers</u> | | | |
| Name: | Mary Lindbloom | | | |
| Address: | 211 S. Court St. Rockford, IL 61101 | | | |
| Telephone: | 987-4355 | | | |
| Approximate Duration of Trial Court Proceedings To be Transcribed 1 hour | | | | |
| Nature of Cas | se: | | | |
| | | v | | |
| | (final or interlocutory) inistrative Review | X | | |
| Contract | | | | |
| Estates | | | | |
| Personal Injury | | | | |
| Tort | | | | |
| Domestic Relations Ls Child Custody | | | | |
| Is Child Custody or Support Involved ? | | | | |
| Products Liability | | | | |
| | ole Detainer | | | |
| Other | | | | |

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NATURE OF CASE

This case presents the appeal of the Judgment of Conviction and Sentence of the United States District Court for the Northern District of Illinois, Western Division in Case No. 06 CR 50067, and the Judgment that Defendant violated the terms of his Mandatory Supervised Release and Sentence in Case No. 01 CR 50004-2. The Judgment of the District Court was entered and docketed by the District Court Clerk in Case No. 06 CR 50067 and 01 CR 50004-2 on October 29, 2009. Defendant timely filed his Notice of Appeal on November 5, 2009, and the same was docketed on November 5, 2009.

STATEMENT OF ISSUES

(1) Whether the District Court's sentence on remand was erroneous.

Date: November 5, 2009

Respectfully Submitted,

JONATHAN GEAR

BY: /s_______ Mark A. Byrd Attorney for Defendant/Appellant

BYRD & TAYLOR, ATTORNEYS AT LAW 308 W. State Street, Suite 450 Stewart Square Rockford, IL 61101 (815)964-5492

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| CERTIFICATE O | F SERVICE |
|----------------------|-----------|
|----------------------|-----------|

The undersigned hereby certifies that in accordance with Fed. R. Crim. P. 49, Fed. R. Civ. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF), the following document:

CIRCUIT RULE 3(C) DOCKETING STATEMENT

was served pursuant to the district court's ECF system as to ECF filers on November 5, 2009.

Mark A. Byrd